



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24243 of 2021

1.Ajay Kumar
2.Dhasarathan

... Petitioners

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Panruti, Cuddalore District.
(Crime No.29 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioners on bail in event of their arrest in Crime No.29 of 2021 on the file of the respondent.

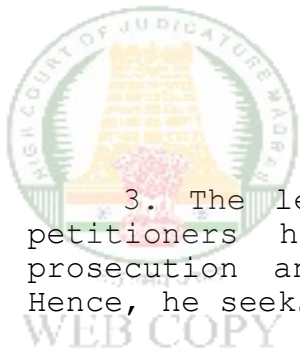
For Petitioners : Mr.R.Chakkaravarthy

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 354D, 506(1) of IPC and 11(1) r/w 12 of POCSO Act 2012 in Crime No.29 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 26.09.2021 defacto complainant, one Minor girl aged about 14 years, given complaint before the respondent police stating that, on 01.09.2021, when she came to school A1 Akash aged about 14 years ridiculing the defacto complainant, hence she informed about that to her mother and brother Ezhil Bharathi. Thereafter that above Ezhil Bharathi questioning to the Akash, but he also assaulted Ezhil Bharathi and A1, A2 and A3 all are given life threaten to her and also given threaten in the name SC / ST Act case. Hence this complaint.



3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that the victim girl is aged about 14 years, when she go to the school all the persons together harass and hence the trouble arose, which was questioned by the brother of victim he was also attacked by these petitioners and A1, 164 statement was recorded, investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Speical Court (POCSO Act Cases), Cuddalore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Perambalur and report before the Town Police Station on daily at 10.30 a.m. for the period of 8 weeks and thereafter as and when requires for interrogation and the petitioners shall not have any communication with the victim girl or their family members;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the



petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT
(POCSO ACT CASES), CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
TOWN POLICE STATION,
PERAMBALUR.

+1 CC to M/S.R.CHAKKARAVARTHY Advocate on payment of necessary charges SR.NO.14921

CRL OP.24243/2021

Date :16/12/2021

JPA 21/12/2021